

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D. G. SWEIGERT,

Plaintiff,

- against -

JASON GOODMAN, ET AL.,

Defendants.

23-cv-5875 (JGK)

23-cv-6881 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

Jason Goodman ("the defendant") has filed a motion for reconsideration under Fed. R. Civ. P. 60 of this Court's Order dismissing Defendants X Corp and Alphabet without prejudice, No. 23-cv-5875, ECF No. 73. See Notice of Mot. Seeking Relief from Order, ECF No. 120.

The defendant has no standing to object to the dismissal of X Corp and Alphabet without prejudice because the defendant asserted no claims against those prior co-defendants. Cf. Melito v. Experian Mktg. Sols., Inc., 923 F.3d 85, 91-92 (2d Cir. 2019) (finding that a defendant lacks standing to object to the dismissal of a co-defendant unless the dismissal would affect the rights of the defendant against that co-defendant).

The defendant also moves for reconsideration of a "denial of sanctions." See Notice of Mot. Seeking Relief from Order. The defendant's motion for sanctions pursuant to Fed. R. Civ. P. 11 was inadvertently marked as closed on the docket. The Court's Order directed the clerk to close ECF No. 53 in case number 23-cv-5875, namely Defendant X Corp's letter motion for a conference.

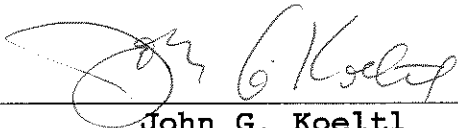
However, the Order also closed ECF No. 53 in case number 23-cv-6881, namely the defendant's motion for sanctions. The defendant has failed to show any basis for reconsideration because the defendant filed his motion for reconsideration before there was any Court decision to be reconsidered.

In any event, upon reviewing the defendant's motion for sanctions, No. 23-cv-5875, ECF No. 60, the Court declines to impose sanctions. It is not clear at this point that "[the plaintiff's] claims [a]re . . . so obviously foreclosed by precedent as to make them legally indefensible." Kim v. Kimm, 884 F.3d 98, 106 (2d Cir. 2018) (noting that a district court's denial of sanctions is reviewed for abuse of discretion).

Accordingly, the defendant's motion for reconsideration is **denied**. The Clerk is directed to close No. 23-cv-5875, ECF No. 120.

SO ORDERED.

Dated: New York, New York
May 21, 2024



John G. Koeltl
United States District Judge